

Message Text

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70

ACTION IO-03

INFO OCT-01 SS-14 ISO-00 L-01 NSCE-00 EUR-08 CIAE-00 INR-05

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TO SECSTATE WASHDC 6100

C O N F I D E N T I A L USUN 0789

LIMDIS

NOFORN

E.O. 11652: XGDS-1

TAGS: PFOR, UN

SUBJECT: THE VETO IN THE SECURITY COUNCIL

REF: USUN 506

USUN 511

USUN 561

1. IN STRICT CONFIDENCE UN LEGAL COUNSEL SUY HAS GIVEN MISOFF THE TEXT OF A MEMORANDUM CONCERNING POSSIBLE LOSS OF VOTING RIGHTS IN THE SECURITY COUNCIL BY A COUNCIL MEMBER WHICH IS A PARTY TO A DISPUTE DEALT WITH THE COUNCIL UNDER CHAPTER VI OF THE CHARTER. THE MEMORANDUM WAS PREPARED BY A JUNIOR MEMBER OF THE CODIFICATION DIVISION AT THE REQUEST OF THE SOVIET HEAD OF THAT DIVISION, YURI RYBAKOV. IT ANALYZES INTELLIGENTLY AND CONCISELY THE COUNCIL'S PRACTICE UNDER ARTICLE 27(3) AND SEEMS LIKELY TO PROVIDE THE BASIS FOR AN OPINION OF THE LEGAL COUNSEL SHOULD A MEMBER OR MEMBERS OF THE COUNCIL SEEK HIS VIEWS ON THE PROPRIETY OF A MEMBER'S VOTING IN A FUTURE CASE. DURING THE DISCUSSION OF THE COMOROSE IN FEBRUARY THIS YEAR, IT WILL BE RECALLED PANAMAIAAN AMB. BOYD SUGGESTED HE MIGHT SO REQUEST IN CONNECTION WITH COUNCIL CONSIDERATION OF CANAL QUESTION.

2. THE MEMORANDUM ALSO CONTANS A CONCLUDING SECTION SUGGESTING
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HOW A MOJORITY IN THE COUNCIL COULD IMPOSE ITS VIEW THAT A

PERMANENT MEMBER SHOULD NOT VOTE. MISOFF PROMPTLY OBSERVED TO
SUY THAT THIS PART OF THE PAPER AMOUNTS TO AN INSIGHTFUL AND
EASY GUIDE TO VOTE DEPRIVATION AND, IN THE WRONG HANDS, COULD
PROVE HARMFUL. SUY AGREED. HE SAID THAT, AS FAR AS HE IS
CONCERNED, ONLY THE US (COMMENT: AND , OBVIOUSLY, THE USSR
GIVEN RYBAKOV'S INVOLVEMENT) HAS A COPY OF THE MEMORANDUM.
SUY EXPRESSLY ASKED THAT IT NOT BE GIVEN TO ANY OTHER COUNTRY.

3. MEMORANDUM POUCHED TO JOHN BAKER, IO, UNDER REGISTRY
RECEIPT NO. 6089.
BENNETT

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Message Attributes

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